



**MINUTES
SCOTTSDALE PLANNING COMMISSION
KIVA – CITY HALL
3939 N. DRINKWATER BOULEVARD
SEPTEMBER 10, 2003**

PRESENT: David Gulino, Chairman
Steve Steinberg, Vice Chairman
David Barnett, Commissioner
Eric Hess, Commissioner
Tony Nelssen, Commissioner
Jeffery Schwartz, Commissioner

ABSENT: James Heitel, Commissioner

STAFF: Pat Boomsma
Kurt Jones
Kroy Ekblaw
Ed Gawf
Al Ward

CALL TO ORDER

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:00 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

MINUTES APPROVAL

August 20, 2003
August 27, 2003
August 27, 2003 Joint Meeting with Development Review Board

COMMISSIONER BARNETT requested corrections to the August 20, 2003 minutes. He stated there were typos and he would turn in his revisions to staff.

APPROVED

COMMISSIONER BARNETT MADE A MOTION TO APPROVE THE AUGUST 20, 2003 MINUTES AS AMENDED. THE AUGUST 27, 2003 MINUTES AND THE AUGUST 27, 2003 JOINT MEETING MINUTES AS PRESENTED. SECOND BY VICE CHAIRMAN STEINBERG.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

DISCUSSION

Discussion on moving or canceling the October 8, 2003 Planning Commission hearing.

MS. BOOMSMA stated the Board of Adjustment meeting and Planning Commission meetings are scheduled at the same time on October 8, 2003. She further stated there is a conflict because some of the commissioners' may be interested in commenting at the Board of Adjustment meeting.

MR. JONES stated the Commission has the option of canceling the meeting or moving it to another night.

COMMISSIONER BARNETT MOVED TO CANCEL THE OCTOBER 8, 2003, PLANNING COMMISSION MEETING. SECOND BY COMMISSIONER HESS.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

CONTINUANCES

3-GP-2003 (Sheegl/Thomas Property) request by Tornow Design Associates, applicant, Winstar Pro LLC, owner, for a General Plan Amendment from Cultural/Institutional to Employment on a 10 +/- acre parcel located west of Thompson Peak, south of McDowell Mountain Ranch Road. **Continued to September 24, 2003.**

8-ZN-2003 (Sheegl Property) request by Tornow Design Associates, applicant, Winstar Pro LLC, owner for to rezone from Single Family Residential, Planned Community District, Environmentally Sensitive Lands (R1-35 PCD ESL) to Industrial Park, Planned Community District, Environmentally Sensitive Lands (I-1 PCD ESL) with amended development standards on a 5 +/- acre parcel located at 9875 & 9909 E McDowell Mountain Ranch Road (west of Thompson Peak Parkway). **Continued to September 24, 2003.**

11-ZN-2003 (Thomas Property) request by Earl Curley & Lagarde PC, applicant, Judy A Thomas Trust, owner, to rezone from Single Family Residential, Planned Community District, Environmentally Sensitive Lands (R1-35 PCD ESL) to Industrial Park, Planned Community District, Environmentally Sensitive Lands (I-1 PCD ESL) on a 4 +/- acre parcel located at the southwest corner of McDowell Mountain Ranch Road and the 100th Street alignment, west of Thompson Peak Parkway. **Continued to September 24, 2003.**

2-GP-2003 (Cattletrack Ranch) request by Earl Curley & Lagarde PC, applicant, Diann Henderson AMZ Homes, owners, for a General Plan Amendment from Rural

Neighborhoods to Suburban Neighborhoods and from Rural Character to Suburban Character on a 5.5 +/- acre parcel located at the southwest corner of Cattletrack/Miller Road and Lincoln Drive. **Continued to September 24, 2003.**

12-ZN-2003 (Cattletrack Ranch) request by Earl Curley & Lagarde PC, applicant, Diann Henderson & AMZ Homes, owners, to rezone from Single Family Residential District (R1-43 & R1-35) to Single Family Residential District, Planned Residential District (R1-18 PRD) with amended development standards on a 5.5 +/- acre parcel located at the Southwest corner of Cattletrack/Miller Road and Lincoln Drive. **Continued to September 24, 2003.**

COMMISSIONER BARNETT MOVED TO CONTINUE CASES 3-GP-2003, 8-ZN-2003, 11-ZN-2003, 2-GP-2003 AND 12-ZN-2003 TO THE SEPTEMBER 24, 2003 PLANNING COMMISSION MEETING. SECOND BY COMMISSIONER HESS.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

REGULAR AGENDA

1-II-2003 (Scottsdale Waterfront) request by Beus Gilbert PLLC, applicant, Scottsdale Waterfront LLC, owner, to designate and qualify an infill incentive district and to adopt an infill incentive plan with amended development standards and establish new stipulations including site plan and elevations approval on a 11.3 +/- acre parcel located at the southwest corner of Scottsdale Road and Camelback Road.

MR. JONES presented this case as per the project coordination packet. Staff recommends approval, subject to attached stipulations. He discussed the height elevation study that was done that showed how the towers would impact the surrounding neighbors. Staff established a set of goals and objectives that encompass the first seven bullets under Key Items for Consideration on page 1 of the Staff report.

1. The application is a key component to the success of the Arizona Canal pedestrian corridor by providing residents directly along its frontage along with providing a public amphitheater and gathering space along the canal.
2. The proposal connects the retail strength of Fashion Square to Downtown Scottsdale's established 5th Avenue District by providing for retail corridor along Marshall Way.
3. As the design of this project is also subject to approval with this process, the design character will be set with a mix of architectural influences present within Scottsdale.
4. With the mixture of uses, open space plazas, pedestrian oriented urban design, arts and cultural components, the proposal will enhance not only the Downtown experience, but continue to support Downtown as tourist destination and gathering place.
5. The provision of transit stops, pedestrian alternatives, trolley stops, and location within Downtown demonstrates the projects access to alternative modes of transportation.
6. The proposal includes approval of colors and materials by the City Council so as to ensure quality materials be used in the overall development of this project.

7. Finally, as the City Council set forth their Downtown Vision Principles, this application, through the use of the Infill Incentive District, created a plan, development standards, stipulations and process to meet these principles.

COMMISSIONER NELSEN inquired if it would be safe to say that if this project moves forward it would define the embodiment of Scottsdale and southwest character. Mr. Jones stated the short answer is yes.

JOHN BERRY, 4800 N. Scottsdale Road, stated tonight together they have the opportunity to take an important step forward to achieve the vision this community has had for decades. A vision of a place where people can live, work, play, and be entertained in an area that is a utility corridor and celebrates water and the canal in Scottsdale. This is something this community has looked forward to for a long time. He provided background information on this property. He remarked they wrote down the value of the land and therefore his client was able to attract an internationally recognized family-owned real estate business based in Chicago to be their partner. The name of the company is Golub & Company.

LEE GOLUB, Golub & Company, stated he was honored to be part of the Scottsdale Waterfront partners. He further stated the plan they have presented tonight has evolved with the city and community input. He commented they are very happy to be part of this project and to work with the team that has been assembled.

MR. BERRY provided information on the team that has been assembled on this project. He presented information on the history of this site. He reported they have listened to the community and neighbors concerns. He provided a brief overview of the architecture and site plan.

BETTY DRAKE stated before Scottsdale was the West's most western town, Scottsdale was a place where people came to enjoy the environment and the weather and the resort lifestyle. Their legacy is as much resorts and tourism as it is cowboys and Indians. She provided information on the architectural theme of the project. She also provided an overview of the outdoor public spaces and trail system for this project. She discussed the pedestrian amenities that would be incorporated into the project. She also discussed the materials that would be used. She discussed the elevations of the buildings. She reviewed the circulation plan.

COMMISSIONER NELSEN requested information on the non-reflective glass that would be used. Mr. Heiney presented information on the glass that would be used noting it is low-reflective glass rather than non-reflective glass.

MR. BERRY provided an overview of the community outreach that has occurred and the support they have received for the project.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

NORWOOD SISSON, 7431 E. Portland, stated he did not know if these people have Phoenix envy, of Tempe envy because they certainly don't have Scottsdale envy. He further stated Marshall Way looks like somebody has been down on Mill Avenue lately.

The lanes have been changed from two lanes to four lanes and that is something that has not gone over well on Mill Avenue so that has not been a good economic driver for them. He commented that this project is not going to be pedestrian scale. He further commented that he did not think the height and architecture has southwest character. He concluded this project does not look like Scottsdale.

SAM WEST, 8160 N. Hayden #I-210, complimented the people who have worked on this project. He expressed his concern regarding the height of the towers. He stated a substantial majority of the people who live in Scottsdale came here as tourists. They came here for reasons and ended up moving here for reasons. He further stated he is convinced part of that reason is what they have right now that has been here for 100 years. He inquired what will be the impact of those towers on the reason tourists have come here. What is the long-term implication on the tourist that comes here? He concluded that he felt the mass and height of the towers is detrimental and contrary to what people have perceived as Scottsdale for over 100 years.

RICK ROBERTSON, 4321 N. 68th Place, spoke in opposition to this request. He stated he has been a resident of downtown Scottsdale for the past 20 years. He further stated he is primarily concerned about the height of the two towers. He reported he would like the Commission to understand that he objects to granting a variance to allow anything higher than the maximum allowed. For the past 25 years they have not had a single high-rise building built in our community. He further reported he does not understand why their views have to be marred by two 13 story residential towers. He added Scottsdale does not need these towers no matter how attractive they may appear. He concluded he is requesting the Planning Commission enforce the building code.

PATTY BADENOCK, 5027 N. 71st Place, quoted from an article dated January 30th in reference to the two towers that expressed her opposition to the height of the towers. She quoted from the same article: "Once they are built they are there for all of our lifetimes". She quoted from another article dated February 10, 1998: "Yes, the city needs to change the ordinance to eliminate the exemptions to go over 65 and 72 feet. Buildings taller than the 65, 72 feet are not necessary to the downtown plan. Profitable developments can be done to the downtown without jeopardizing the skyline." This quote was said by Ms. Susan Bitter Smith now a paid consultant for Star wood to do community outreach in support of the two towers.

DARLENE PETERSEN, 7327 E. Wilshire, stated she found a newspaper article dated February 10, 1988. She stated people went ballistic at that time when the bank building on the corner, which is 100.5 feet tall and the Amtrust building 143.1 feet tall. She further stated the applicant has met with the community and it is beautiful architecture. It is something to be proud of but the Commission and City Council need to think about the height. She expressed her concern regarding the heights of the towers. She further remarked that if the height were to be lowered she would be fine with this project because the architecture is gorgeous.

Ms. Peterson reported on Saturday, September 13th from 7:00 to 10:00 a.m. at the canal there will be a balloon put up to the same height as these towers if anyone is interested in coming down.

MARC HARTLEY, 4607 N. 74TH Place, stated he lives in downtown Scottsdale because it is a wonderful place. He further stated he lives there because of the charm and the idea of not living in a big city with tall buildings. He remarked he likes the idea of revitalizing downtown Scottsdale. He further remarked he is opposed to the height of the towers regardless of the architecture and materials because they are too big. He concluded he hopes they consider their concerns regarding height.

PAT LAMER, 6945 E. Glenrosa, stated he lives in community of Villa Adrian across the street from the waterfront project on Goldwater. He further stated his community association has been involved from the very beginning of the plans that were presented over eight years ago. Over the years, there have been many meetings. He remarked over the period of the discussions with the developer they have come to accept a lesser of evils. They were steadfastly opposed to the height until they saw the computer graphic representation of the heights of the buildings and the skyline to the east. What they have seen is that the evasive nature of those buildings is diminished and totally gone away. He stated his community association supports this plan.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

MR. BERRY stated that tonight they have seen a classic example of community outreach and community involvement. He further stated he appreciates all of the comments but he would respectfully disagree on what the implications of the project are for the downtown. He remarked he would like to focus on the loss of views. He inquired about the view of the downtown they will have if they don't take proactive steps. Everyone has agreed they need to bring residential ownership to downtown but how do they achieve that without doing something like this. If they don't do this, they would get 11 acres of Scottsdale High development of 65-foot tall offices with apartments. What does that mean to their long-term sustainability. He further remarked decline does not happen overnight. Decline happens over time. They have to in the spirit of Scottsdale history act to prevent the decline of the downtown, and assist in the renaissance of downtown with these types of projects that take vision and leadership.

Mr. Berry stated he appreciated Mr. Lamer's comments regarding the computer graphic representation of the heights of the buildings and the skyline that allowed their community to have an understanding of how the heights would impact their neighborhood.

VICE CHAIRMAN STEINBERG inquired if approved would these be the highest buildings in Scottsdale. Mr. Berry replied in the affirmative.

Vice Chairman Steinberg inquired if they have the ability to fight a fire in a tower of this size. Mr. Berry stated in the stipulations there are fire and public safety stipulations. He further stated the building does comply with the fire codes.

Vice Chairman Steinberg stated by virtue of the site being on the canal and the name being Waterfront he would like to see more water brought going into the project. He further stated he shares Commissioner Nelssen's feelings that it should have a western character. He noted the inspiration for any project here should be the Sonoran desert. He further noted that he is a little unsettled about the fact that the towers look like they

could be in any city. They are not Sonoran in flavor. By Sonoran, he means they don't seem to respect the ecology and orientation of the sun as well as some of the great examples of architecture in the community.

Vice Chairman Steinberg stated the project is a great concept and he is in favor of the project. He further stated he is in favor of revitalization of the downtown. He remarked he felt they should look at the architecture a little more seriously. He noted he is a little concerned about the heights because it will recreate the Camelback corridor skyline forever and that is something they have to grapple with. It is a big decision. It is a great project and he supports many aspects he just wished it had more of a Sonoran aspect to it.

MR. BERRY stated that was the critical component for involving local architects. He further stated that although it is hard to see in the drawing that is the intent of this project to make it uniquely Scottsdale and to have a southwestern feel.

COMMISSIONER BARNETT thanked the group for putting together a fantastic plan. He further stated he likes the buildings, office, and retail. He also thanked the people who have put their money into the project and realize they have unlimited choices of places to build buildings around the country and he is flattered they have chosen to spend the time and effort so far to get to this point.

COMMISSIONER NELSEN stated he would agree with a lot of the sentiment that Commissioner Steinberg mentioned. He further stated he would reluctantly support this project because he thought there was more good than bad. He read from the minutes of the August 27th joint meeting:

"COMMISSIONER NELSEN requested Mr. Gawf to explain in his words what the embodiment of Scottsdale/southwestern character is. Mr. Gawf stated that is a tough one and they have struggled with that".

He remarked in two weeks, they seem to be able answer that question, and that is in a city that historically has taken years to get anything done. He remarked that is troubling to him.

Commissioner Nelsen remarked he still has issues with the character and height. He commented he felt this does need to move on to the City Council and will be a big burden for the City Council. He stated they can either get credits for this project or take the blame for this project and he certainly hopes it is the former.

COMMISSIONER SCHWARTZ stated he has a prepared statement he would like to give:

It may seem that we have before us one project to recommend approval or denial but in fact, we have two. One is for the applicant's proposal the other its impact on the character of our community. I would ask we consider very carefully two questions: Considering the amount of time, energy and money already invested in the canal does this project add the desired mixed use people place that prior applicants caused us to expect. I would say it does not. Secondly, is there something about this one project for

which we are willing to see the entire downtown infill area and beyond changed by our endorsement. Make no mistake a vote for these 13 story buildings on this site is the first step for 13 story buildings elsewhere in downtown infill area and eventually throughout the city. That may seem unthinkable to us now but is no more unthinkable than how tonight's proposal would have seemed in the past.

To summarize to recommend approval for this project is to greatly lower our sights for creating a mixed use festival like people place along the canal. To recommend approval of this project is to pave the way for 13 story buildings elsewhere in our community including those that will one day block the views this development believes will be there forever because he hopes to have a monopoly on your approval of height. This is an unrealistic hope and time will show this is precedence breaking and precedence setting mandate that will forever alter Scottsdale's low profile character to one more common to urban areas everywhere. We have some sobering questions to ask ourselves, what will be the future for our city.

CHAIRMAN GULINO stated for the record there were 9 or 10 cards from folks in support of this request but did not wish to speak.

Chairman Gulino inquired if they have standards or guidelines that this project must follow to ensure they have a good mix of public, private and open space. Mr. Berry replied in the affirmative noting there is a development agreement that is being prepared that will set forth the responsibilities of all parties to ensure there is public open space and public access.

Chairman Gulino inquired if the design guidelines provide the applicant enough flexibility as he refines this design that he would be able to work directly with staff to move forward rather than having to come back to the public hearing process. Mr. Berry replied in the affirmative. He stated that in terms of the major constraints they are set. There is not an opportunity to vary the heights or move the location.

Chairman Gulino inquired where the benchmark for measuring the height is from. Mr. Jones provided information on how the heights of the buildings would be calculated.

COMMISSIONER NELSEN inquired if they would allow any wireless appurtenances to be attached to the top of these buildings. Mr. Berry stated they have not addressed that issue. Mr. Ekblaw stated if they were to allow wireless appurtenances on these buildings they would have to comply with the ordinance that was recently adopted.

CHAIRMAN GULINO stated he felt it was important that Council in their approval give the applicant enough flexibility that the project as a whole does not get bogged down as they come up with better ways to develop it. He further stated he was glad to hear that if there are changes to the site plan they would have to come back to a public hearing.

Chairman Gulino stated the whole issue tonight comes down to the height of these two towers. He further stated in his mind Scottsdale as a city is not in the same category as Phoenix, Los Angeles, or Dallas so they need to be more sensitive to height here. They are more of a suburban community than an urban community. However, he does not have a problem with the height. He commented he likes the site plan. He further

commented he thought the residential ownership is very important. He remarked he thought the downtown is in trouble and needs something and he felt this project was a step in that direction. He noted he can understand the reservations about the height. He further noted he has lived here for 20 years and has seen it change. He commented that they can't stop growing and whether or not they like it, it is a part of the evolution process for the community. He further commented he felt it was important that people continue to stay involved. A checks and balance system will keep them from getting out of control. He concluded he supports this request as it has been presented.

COMMISSIONER BARNETT MOVED TO FORWARD CASE 1-II-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL WITH THE ATTACHED STIPULATIONS. SECOND BY COMMISSIONER HESS.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

WRITTEN COMMUNICATION

There was no written communication.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at 7:10 p.m.

Respectfully Submitted,

"For the Record " Court Reporters